



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASANW.P(MD) No.4198 of 2018

WEB COPY

M.Arunachalam

.. Petitioner

Vs.

1.The Tahsildar,
Revenue Office,
South Taluk,
Madurai District.

2.The Revenue Inspector,
East Firka,
Madurai South Taluk,
Madurai District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned order passed by the first respondent herein through his proceedings in O.Mu.No.305/2017/A3 dated 13.01.2017 and cancel the same and consequently directing the 1st respondent to issue the Legal heirs certificate.

For Petitioner : Mr.B.Senthilkumar
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Challenging the order, rejecting the petitioner's application for issuance of legal heir certificate, this writ petition has been filed.

2.Heard Mr.B.Senthilkumar, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, his father one Meharajan was working as a Teacher and he had two wives namely Gomathi, mother of the petitioner and another by name Helan Chandra Leela. Subsequently, the petitioner's father died on 28.12.2015. Therefore, the petitioner has applied for issuance of legal heir certificate before the respondents, by including the petitioner's mother, the second wife of his father viz., Helan Chandra Leela and his sisters and brothers. But, the above application has been rejected on the



ground that since the deceased had two wives, the first respondent cannot issue any legal heir certificate. Challenging the same, this writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that, as per the consent given by the petitioner's mother, the second wife of the petitioner's father has been included as a legal heir in the application. Apart from that, the second wife also has no issues. The Revenue Inspector/second respondent herein has also a after conducting enquiry, sent a report to the first respondent. But, the first respondent, without considering the same and without conducting enquiry and giving opportunity to the petitioner, has passed the impugned order.

5.I have heard the submissions made on the side of the petitioner and perused the records carefully.

6.A perusal of the impugned order shows that the impugned order has been passed without conducting enquiry and without considering the report submitted by the Revenue Inspector, and the impugned order has passed in violation of principles of natural justice. On that score alone, the impugned order dated 13.02.2017 is set aside and the matter is remanded back to the first respondent. The first respondent is directed to issue notice to the petitioner and all the legal heirs of the deceased Meharajan and pass suitable orders on merits and in accordance with law.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Tahsildar,
Revenue Office, South Taluk,
Madurai District.

2.The Revenue Inspector,
East Firka,
Madurai South Taluk,
Madurai District.

+One cc to The Special Government Pleader, SR.No.52334

+One cc to Mr.B.Senthilkumar, Advocate, SR.No.52246

mj

RL/5C/2P/JC/SAR1/20/3/2018

W.P(MD) No.4198 of 2018

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